

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID M. KIRK,

Plaintiff,

-against-

CITIGROUP GLOBAL MARKETS HOLDINGS
INC.,

Defendant.
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20-CV-7619 (ALC)

ORDER

ANDREW L. CARTER, JR., District Judge:

Plaintiff David M. Kirk (hereinafter, “Plaintiff”) brings this action against Citigroup Global Markets Holdings Inc. (hereinafter, “CGMHI” or “Defendant”) asserting claims for fraud. Plaintiff filed his Complaint on September 17, 2020, ECF No. 1, and has since filed two amended complaints. ECF Nos. 21, 22. Although Plaintiff did not seek leave of Court to file the second amendment, the Court considers the “Final Amended Complaint” the operative complaint in this action.

Subsequently, multiple cases were filed by other *pro se* plaintiffs involving the same factual/legal claims against the same Defendant. On April 16, 2021, after a conference with the parties, this Court accepted some of those cases as related to the instant action and granted Defendant leave to file a motion to consolidate the cases (the “Related Actions”). ECF No. 42. After some quarreling by the parties regarding Plaintiff’s request to file a consolidated complaint once the cases were consolidated, ECF No. 47-50, the Court issued an Order to Show Cause why the Court shouldn’t reconsider its decision granting Defendant leave to file a motion to consolidate, ECF No. 52.

The Court is in receipt of Defendant’s response, as well as Plaintiff’s. ECF Nos. 63-64.

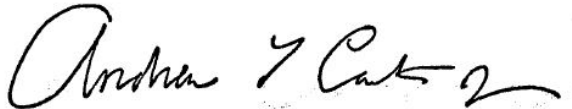
After reviewing the parties' submissions, the Court reconsiders its decision to grant Defendant leave to file a motion to consolidate. Defendant's request for leave to file a motion to consolidate is DENIED without prejudice to renew at a later time. However, the Court will establish a coordinated two-track briefing schedule in all the Related Actions. The parties are directed to brief the issue of subject matter jurisdiction in accordance with the following schedule:

- Defendant's Opening Brief: June 9, 2021
- Plaintiff's Opposition Brief: June 23, 2021
- Defendant's Reply Brief: June 30, 2021

To the extent Plaintiff seeks reconsideration of this Court's decision denying Plaintiff's application for pro bono counsel, that request is DENIED. To the extent Plaintiff seeks leave to file an Amended Complaint (in the instant action), that request is also DENIED.

SO ORDERED.

Dated: **May 19, 2021**
 New York, New York

A handwritten signature in black ink, reading "Andrew L. Carter, Jr." in a cursive script.

ANDREW L. CARTER, JR.
United States District Judge